

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

David Norington  
Plaintiff:  
-V-

Civil Action No. #3:12-cv-00807-GPM

Illinois Department of Corrections  
Director, S.A. Godines, ~~Then~~ Warden David A. -  
Rednour, Lieutenant Scott, % M.J. Schwicker -  
% Langston, % S. Bethel, % N. Maue, % Ross -  
% John Doe, Lieutenant, M.A. Miffin.  
Defendants: Et. al.

Sure Trial Demanded.

SCANNED AT MENARD and E-mailed  
8-25-12 by BS 12 pages  
date Initials No.

Amended Complaint

This complaint is filed under the Civil Rights Act, Title 42 Section 1983 U.S. - Code. / Federal Rule of Civil Procedure 15 (a). This complaint is being brought against the named Defendants in their Individual Capacities, and in their Official Capacities.

Jurisdiction:

1) a. Plaintiff: David Norington.

b. Register Number: B04938.

c. Place of Confinement: Menard Correctional Center.

d. Mailing address: P.O. Box 1000 Menard, IL 62259

2) a. Defendant: S.A. Godines

b. Title: Director, of I.D.O.C. at the time the Incident Occurred.

c. Employed by: I.D.O.C. at the time the Incident Occurred.

d. Mailing address: 1301 Concordia Court, P.O. Box 19277 Springfield IL 62794-9277

2) a. Defendant: David A. Rednour.

b. Title: ~~Then~~ Warden, at the time the Incident Occurred.

c. Employed by: ~~Then~~ Menard Correctional Center, at the time the Incident Occurred.

d. Mailing address: ~~Then~~ P.O. Box 1000 Menard, IL 62259.

(1)

- 3.) a. Defendant: SCOTT.  
b. Title: Lieutenant, at the time the Incident Occurred.  
c. Employed by: Menard Correctional Center, at the time the Incident Occurred.  
d. Mailing address: P.O. Box 1000 Menard, IL 62259.
- 4.) a. Defendant: M. S. Schnicker.  
b. Title: Correctional Officer, at the time the Incident Occurred.  
c. Employed by: Menard Correctional Center, at the time the Incident Occurred.  
d. Mailing address: P.O. Box 1000 Menard, IL 62259.
- 5.) a. Defendant: Langston.  
b. Title: Correctional Officer, at the time the Incident Occurred.  
c. Employed by: Menard Correctional Center, at the time the Incident Occurred.  
d. Mailing address: P.O. Box 1000 Menard, IL 62259.
- 6.) a. Defendant: S. Bethel.  
b. Title: Correctional Officer, at the time the Incident Occurred.  
c. Employed by: Menard Correctional Center, at the time the Incident Occurred.  
d. Mailing address: P.O. Box 1000 Menard, IL 62259.
- 7.) a. Defendant: N. Maue.  
b. Title: Correctional Officer, at the time the Incident Occurred.  
c. Employed by: Menard Correctional Center, at the time the Incident Occurred.  
d. Mailing address: P.O. Box 1000 Menard, IL 62259.
- 8.) a. Defendant: Ross  
b. Title: Correctional Officer, at the time the Incident Occurred.  
c. Employed by: Menard Correctional Center, at the time the Incident Occurred.  
d. Mailing address: P.O. Box 1000 Menard, IL 62259.
- 9.) a. Defendant: John Doe.  
b. Title: Correctional Officer, at the time the Incident Occurred.  
c. Employed by: Menard Correctional Center, at the time the Incident Occurred.  
d. Mailing address: P.O. Box 1000 Menard, IL 62259.
- 10.) a. Defendant: M. A. Millin.  
b. Title: Lieutenant, at the time the Incident Occurred.  
c. Employed by: Menard Correctional Center, at the time the Incident Occurred.  
d. Mailing address: P.O. Box 1000 Menard, IL 62259

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1.) Plaintiff, David Johnson, wishes to Advise this Honorable Court, that - (he) has no current way at this time, but to list (Defendant #9) as (John Doe), - because at the time Plaintiff was in Segregation and there was many lock-downs, after the Incident had Occurred. Plaintiff feels the only way (he) - can obtain the name of the 4th Correctional Officer listed as (John Doe), who - helped Assault Plaintiff, and helped carry Plaintiff to Segregation on 7/22/11, - is by this Honorable Court to order the named Defendants to give Plaintiff - the names of (all 4 officers) who carried Plaintiff to Segregation on 7/22/11, - so that Plaintiff can put the correct name of (John Doe) (Defendant #9) on his - Complaint. However, without this order, Plaintiff feels (he) will not obtain - the information (he) needs.

2.) Previous Law Suits:

Plaintiff: Has NO other Law Suits Pending at this time.

3.) Grievance Procedure:

Plaintiff: Has exhausted all of (his) Administrative Remedies.

GRIEVANCE WAS DENIED ON all Administrative Levels.

HERE TO ATTACHED TO CIVIL COMPLAINT, FIND ORIGINAL GRIEVANCE, AND RESPONSES.

4.) Statement of Claim:

Court #

Plaintiff, States that Defendant, Director, S.A. Godines is responsible for the action of Defendant, Then, Warden, David A. Rednour, Then, Warden David A. Rednour was - responsible for the actions of Lieutenant Scott, who was in charge of (North 2 - cellhouse) on 7/22/11, the day/date the Incident Occurred. Lieutenant Scott was - responsible for the actions of Defendants % M.J. Schwicker, % Langston, % S. Bethel % M. Maue, % Ross, % John Doe, whom were all assigned to (North 2 cellhouse) on - 7/22/11, the day/date the Incident Occurred. Then, Warden, David A. Rednour, - was also responsible for the actions of Lieutenant M.A. Mifflin who was - in charge of the Adjustment Committee on 7/26/11, the day/date Plaintiff - went to the Adjustment Committee to contest to the (False), and - (Fabricated) tickets.

(3)

On 7/22/11, Plaintiff was written (3) (False) and (Fabricated) tickets. The First ticket was written by %M.S. Schwicker, for "304 Insolence" "206 Intimidation or threat", and "403 Disobeying a direct order." This %M.S. Schwicker lied, - and said that Plaintiff "stopped (him) to tell him to get that fat bitch %Langston off the gallery before (I) kill her" ON the ticket where it says "WITNESSES if only" - %Langston signed (here) name and badge number, (if) %Langston was a witness to me calling (here) a "fat bitch", and threatening to kill (here), why didn't (she) write the ticket on me instead of %M.S. Schwicker? Also, (if) %Langston was standing there when (I) supposedly said all those things, Why would (I) stop %M.S. Schwicker to say all that, and %Langston is supposedly standing right there, - (if) %Langston was standing there when (I) supposedly said all those things - (I) wouldn't have stopped %M.S. Schwicker to say what (I) could've said to - %Langston's face (if) (she) was standing there. Plaintiff stopped %M.S. Schwicker to ask him for a Lt. or Sgt., because %Langston would not stop to see - what (I) wanted when (I) called out to (here) for help, %M.S. Schwicker - and %Langston was passing out Lunch trays when (I) stopped %M.S. Schwicker, and asked (him) "Can (I) speak to a Sgt. or Lt.," that's when - (he) pointed to %Langston, and told (me) "that's your gallery officer right there," - that's when (I) told %M.S. Schwicker that (I) do not want to talk to (here) - because (I) tried to stop (here), and tell (here) that (I) needed to speak to a - Sgt. or Lt., but (she) kepted on walking pass my cell, and that's when %Langston walked off the gallery, and did not come back. And that's when - %M.S. Schwicker came back to my cell, and asked (me) "What was it that (I) wanted," so (I) told (him) "(I) need to talk to a Sgt. or Lt.," (he) then - said "He couldn't just go and tell the Sgt. or Lt. that (I) wanted to - speak to a Sgt. or Lt.," (I) went against my better judgement, and (I) - explained why (I) needed to speak to a Sgt. or Lt., so %M.S. Schwicker said - "Okay he'll go and tell the Sgt. or Lt.," the next thing (I) knew Lt. Scott is at my cell door telling (me) to pack my property. (I) said for what " (he) Lt. Scott -

(4)

Said ~~the~~ ~~Insolence~~ and ~~Intimidating~~ and ~~threat~~ and ~~Deceitful~~ - direct order "(I) asked on Who?, Lt. Scott would not say, (he) just told me to pack my property, and walked away. % M. S. Schnicker, and % Langston, both conspired, lied, and falsified Documents. A Violation of Plaintiff's 8th and 14th Amendment Right. See: Exhibit Grievance, see: Ticket written by % M. S. - Schnicker, see: Summary Report exhibit.

### Count #3

The second ticket was written by % S. Bethel on 7/22/11, for "601 Attempt," and "102 Assaulting any person. % S. Bethel stated that "(I) refused to walk, and began pulling away, and trying to kick" (him), and % N. Maue, and minimum force was used to control the situation, Plaintiff was not trying to do anything - but walk. On the (False) and (Fabricated) ticket written by % S. Bethel (he) stated - that minimum force had to be used, "as a result of that so called minimum - use of force" Plaintiff was the only ONE Assaulted, and suffered scars on the - (Right side of Plaintiff's face), and on the (Top of the Right side) of Plaintiff's (Right - Shoulder). See: Ticket exhibit written by % S. Bethel, See: Grievance exhibit, See: - Summary Report exhibit, See: Medical Incident Report exhibit, Clearly falsifying - Documents, and a Violation of Plaintiff's 8th and 14th Amendment Right.

### Count #4

The Third ticket was written by % N. Maue for "601 Attempt," and "102 - Assaulting any person. % N. Maue stated that Plaintiff "became combative" with (him) - and % S. Bethel, and that Plaintiff "Attempted to kick" (him) and % S. Bethel, and that - was controlled using minimum means. This ticket that % N. Maue wrote is the same exact ticket that % S. Bethel wrote, the only difference is % N. Maue used - the words "Attempt to kick, it's the same. Also, stated in % N. Maue's ticket, (he) - states "Plaintiff was controlled using minimum means/use of force, again -

(5)

(I) Plaintiff was the only one that was Assaulted "Both tickets by % S. Bethel, and % N. Maine clearly shows this, and (I) have the physical scars - as proof on my (body). Lt. Scott stood by and watched and said nothing, and - did nothing to stop the (Sadistic), (Malicious), and (Vicious) Assault done to Plaintiff's - Person/body, by the 4 %'s, who are named as Defendants in this complaint. Clearly - a Conspiracy, and clearly falsifying Documents, and a Violation of Plaintiff's 8th and - 14th Amendment Right. SEE: Exhibit Ticket written by % N. Maine, SEE: Exhibit Grievance, SEE: Exhibit Summary Report, SEE: Exhibit Medical Incident Report.

### Court #5

ON 7/22/11, Lieutenant Scott was the Lieutenant in charge of (North 1 cell house) - and stood by and watched the (Sadistic), (Malicious), and (Vicious) Assault on - Plaintiff by the 4 %'s named as Defendants in this complaint, % S. Bethel, % N. Maine - % Ross, and % John Doe, Lieutenant Scott had the Authority to stop the (Sadistic) - (Malicious), and (Vicious) Assault on plaintiff, but did nothing to stop the Assault on - Plaintiff thus showing (Deliberate Indifference) towards Plaintiff. This Lieutenant - Scott also signs (his) name as a witness on % S. Bethel's ticket, thus proving that - (he) witnessed the Assault on Plaintiff. Clearly a Violation of Plaintiff's 8th and 14th - Amendment Right. SEE: Ticket exhibit written by % S. Bethel, SEE: Ticket's exhibits SEE: Grievance Exhibit, SEE: Summary Report exhibit, SEE: Medical Incident Report.

### Court #6

ON 7/22/11, After Plaintiff arrived at North 2 Segregation (I) was thrown into - a bull pen on the front of 2 gallery, where (I) stayed for about 15 minutes, (I) - was then taken up to the infirmary where (I) was seen by a nurse (Misty - Thompson) (she) took some gauzes put some water on them, and wiped - some of the blood off of the (right side of my face) then put about 7 thin - strips of some kind of adhesives over the (scars), on the (right side of my - face), -

(6)

(SHE) did nothing like the (SCAR) on my (Top right side of my shoulder). - Plaintiff was not given any kind of pain medication, Plaintiff was told by this nurse (Misty Thompson) "that (she) was gonna put (me) in to see the Dr., After that (I) was placed in a cell on 4 salley, 4-11, Where (I) - waited to see the Dr., and to this day/date (I) still have not seen a Dr. - about my injuries (I) was left on purpos in cell 4-11 for over 30 days, - until my (scars)/wounds had healed, my (scars) are "still visable," on the (right side of my face), and on the (Top right side of my shoulder). On 1/31/12 Plaintiff - finally got a pass to go to the Health Care Unit to have some X-Rays done - after over (6 months) of writing sick call requests, because of (pain) and - (suffering) from my injuries from the Assault on my person/body, from 7/22/11. - Plaintiff was denied proper medical Treatment for his injuries, due to the - Assault on Plaintiff that took place on 7/22/11. Clearly Deliberate - Indifference and a Violation of Plaintiff's 8th, and 14th Amendment Right. SEE: Exhibit Grievance, SEE: Exhibit Medical Incident Report.

### Cant #7

On 7/26/11, Plaintiff RECEIVED a pass for the Adjustment Committee, to contest - to the (False), and (Fabricated) tickets, ONCE (I) came in front of the Committee - (I) "asked (Lt. M.A. Mifflin) if (he) called my witnesses," (he) said "yes," (I) asked "What - did they say" (he) said "my witnesses said they dont know nothing" (If) you - look at my Summary Report (M.A. Mifflin, Lt.) stated that (I) did not request any - witnesses, (If) you look at my tickets they clearly shows that (I) wrote the - names of my witnesses on the bottom of my tickets. When (Lt. M.A. Mifflin) - read the first ticket, (he) stared at the ticket written by (Sgt. M.J. Schirck), then (he) asked Plaintiff how do (he) plea, (I) said "not guilty," and (Lt. M.A. - Mifflin) asked Plaintiff if (I) have anything to say (I) said "yes," As (I) started - to explain -

(7)

What happened, and before (I) could finish (Lt. M.A. Mifflin) had (me) removed from the Adjustment Committee for no reason that (I) can think of. So (I) never got the chance to contest to any of (~~false~~) and (~~fabricated~~) tickets. Then when Plaintiff received (his) Summary Report, (he) (Lt. M.A. Mifflin) stated that (I) "Requested no witnesses," and that (I) gave no exonerating evidence on my behalf. Clearly a Conspiracy, and a Violation of Plaintiff's 14th Amendment Right. - SEE: All Three tickets exhibits, SEE: Summary Report exhibit, SEE: GRIEVANCE - Exhibit.

### Cont #8

After Plaintiff was brought to Segregation, (I) started writing my grievances - (I) finished on 8/15/11, and (I) sent them into the Grievance Officer, on 8/15/11 - (I) put them in the bars/door of my cell of North 2-4-30, to be picked up by the third shift officers, and to be placed in the grievance box at the front of - 4 gallery floor on the wall, (8 days) go by, and on (8/23/11), (I) received my (6 page) grievance back from the Grievance Officer (Tracy Gruber Harrington), along with a memo attached to it, informing (me) to (sign), (date), and put my (I.D. number) - on my (6 page) grievance, which (I) did, and (I) sent it back to the Grievance Officer on 8/23/11, (3 days) after (I) received my (6 page) grievance back (I) - received my (1 page) grievance back on 8/26/11, along with a memo attached to it - informing me to (sign) (date), and put my (I.D. number) on my (1 page) grievance, (I) - did, and sent it back to the Grievance Officer on 8/26/11 the same day 8/26/11 - that (I) received my grievance. 30 days go by, and (I) see this Grievance Officer (Tracy Gruber Harrington) come on 4 gallery, (I) stopped (her), and asked (her) "where is my grievances," and (she) said (she) never received any grievances from Plaintiff, and that's when (I) pulled out the (#2) memo's (she) sent me attached to my grievances, then (her) memory suddenly comes back, and (she) stated that "my grievances were probably still on (her) desk," and (she) stated that (she) would take care of it. (I) - never saw (her) the Grievance Officer after that day, nor my (1 page) -

grievance and then my (6 page) grievance. Clearly a Conspiracy and a -  
Violation of my 14th Amendment Right, Plaintiff had to re-write (his) grievance, -  
SEE: Grievance Exhibit, SEE: Both memos Exhibits.

### Count #9

As a result of the grievance officer and Counselor, Plaintiff believes (they) both -  
conspired, and Destroyed (my) grievance(s), also as a result, Plaintiff had to re-write -  
(his) grievance(s), and Plaintiff sent it in to the A.R.B., because Plaintiff could not -  
trust sending another grievance(s) to the Grievance Officer or Counselor, because of -  
what happened to (his) first (2) grievance(s), which Plaintiff believes (he) was not -  
gonna received any kind of resolution to (his) issues, Regarding the Assault on -  
Plaintiff from day 1. On 9/8/11, a Major Durham came on 4 gallery, (I) stopped -  
(him), because (he) was one of the majors who signed off on all 3 tickets, (I) -  
showed Major Durham the three (false) and (fabricated) tickets, and explained -  
to (him) my innocence, and showed (him) all three (false) and (fabricated) tickets were -  
written, (he) Major Durham, stated "yeah you're right, all three (false) and (fabricated) -  
tickets has to be thrown out", and Then Major Durham asked me "if (I) had -  
wrote a grievance" (I) said "yes", Then Major Durham took all three tickets from me -  
to go and make some kind of call but, before (he) left (he) told (me) to write (him) -  
a letter explaining what happened, (I) did, and (I) never saw or heard from -  
Major Durham after that day. Clearly a Conspiracy, SEE: Grievance Exhibit, SEE: -  
all three tickets Exhibits, SEE: Also letter to Major Durham as Exhibit.

### Count #10

On 10/17/11, Plaintiff sent (his) re-written grievance to the A.R.B. for (his) issues -  
to be resolved, along with a letter explaining why (I) was sending my -  
grievance to the A.R.B., along with all of my evidence, (I) also sent the -  
Director, S.A. Godines a copy of everything that (I) sent to the A.R.B. (I) also -  
(9)

A.R.B. sent all of my stuff back to Plaintiff, with a memo attached stating that -  
(I) need Counselor's response, grievance officer's response and the CAO's -  
response to appeal. See: A.R.B.'s memo, as exhibit

On 11/20/11, Plaintiff sent (his) rewritten grievance to Counselor (S. Hill), (she) -  
denied it, stating "it was over the 60 days requirement, and that (I) knew that. -  
See: Grievance Exhibit.

On 12/6/11, Plaintiff sent (his) rewritten grievance officer (Tracy Grubbs Harrington) -  
to be resolved, (she) denied it, stating in "Red ink O.T.F." See: Grievance -  
Exhibit.

On 12/14/11, Plaintiff sent (his) rewritten grievance to the A.R.B. for its final -  
stage of Administrative Remedy.

On 3/7/12, Plaintiff received a memo from (Jackie Miller) of the A.R.B. attached -  
to (his) grievance, and evidence, stating that "(she) was not gonna respond to -  
Plaintiff's grievance because it was over the time limit. See: A.R.B.'s memo as -  
exhibit, See: Grievance Exhibit. Clearly a Conspiracy, and a Violation of -  
Plaintiff's 14th Amendment Right.

Plaintiff: I s seeking Damages from all Defendants in their Individual-Capacity, and in their Official Capacity. Plaintiff: seeks Compensatory, and Nominal, as well as Punitive Damages from all Defendants in their Individual Capacity, and in their Official Capacity. Plaintiff: also-seeks Injunctive, Declaratory Relief against all Defendants in their-Individual Capacity, and in their Official Capacity.

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Jury Demand:

Plaintiff: Demands that this case be tried by a Jury.

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Declaration under Federal Rule of Civil Procedure 11.

I Plaintiff the undersigned, Certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule-11 (a), and 11 (b) of the Federal Rules of Civil Procedure. (a) and The undersigned also recognizes that Failure to Comply with Rule 11 (a), and 11 (b)-may result in Sanctions Monetary, or None Monetary, Pursuant to Federal-Rule of Civil Procedure 11 (c).

Plaintiff: hereby request this Honorable Court, issue all appropriate-services, or notices to all Defendants.

Signed this day of 8/22, 2012

Daine Norington  
Signature of Plaintiff

Signature of Norway, & only

IN THE  
United States District Court  
For the Southern District of Illinois

David Norington  
Plaintiff,

Vs.

Illinois Department of Corrections  
Defendant's ET. AL.

Case No. 3:12-cv-00807-GPM

NOTICE OF FILING/CERTIFICATE OF SERVICE

TO: Clerk of Courts  
United States District  
Court, Southern District of  
Illinois, P.O. Box 249 East St.  
Louis, Ill 62201

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TO: Lisa Madigan  
Attorney General  
100 West Randolph  
Chicago, Ill 60601

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE TAKE NOTICE that on 8/22/12, 2012, I have placed the documents listed below in the institutional mail at MENARD Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service: \_\_\_\_\_

Amended Complaint

DATED: 8/22/12

/s/ David Norington  
Name: David Norington  
IDOC#: B04938  
Address: P.O. Box 1000  
MENARD Ill  
62259

Subscribed and sworn to before me on this 22 day of August, 2012

Paul [Signature]  
Notary Public

